

Appl. No. 08/909,023

## REMARKS

This Amendment is submitted to supplement Applicant's request for continued examination filed on June 10, 2005 in response to the Final Office Action and Advisory Action dated February 10, 2005 and May 20, 2005 respectively. Claims 1-32 are pending in the patent application. Claims 1-32 were rejected under 35 U.S.C. § 103(a). In response, claims 1, 9, 16 and 23 have been amended. Applicant respectfully submits that the rejections have been overcome or are improper at least for the reasons set forth below.

In the Office Action, claims 1-7, 9-14, 16-21 and 23-28 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,737,481 to Gushima et al. ("Gushima") in view of U.S. Patent No. 4,591,931 to Baumeister ("Baumeister"), and Claims 8, 15, 22 and 29-32 are rejected under 35 U.S.C. § 103 in view of Gushima, Baumeister and further in view of US Patent No. 5,949,953 ("Shirakawa"). Thus, the Patent Office primarily relies on Gushima and further relies on the other references to remedy the deficiencies of same. Applicant believes that the claimed invention is distinguishable from the cited references even if combinable.

Of the pending claims at issue, claims 1, 9, 16 and 23 are independent claims. Independent claim 1 recites a recording apparatus including: recording means for recording a first data set in a recording medium; input means to designate a file name corresponding to a start point and an end point of a desired second continuous data set, wherein said second continuous data set is a subset of said first data set to be recorded in or already recorded in said recording medium by said recording means, wherein the input means allows input of a file name information signal designated by a user, and further allows input of a time code information signal; and control means, for controlling said recording means so as to endlessly-record and overwrite a non-designated portion of said first data in said recording medium which excludes said designated second continuous data set, such that the recording means endlessly records data in the recording medium in a recording region that avoids the recording region in which said second data has been recorded.

Independent claim 9 recites a recording/reproducing apparatus for recording input data in a recording medium capable of non linear access, and reproducing and outputting the recorded data, including: recording means for recording first data in said recording medium; input means to designate a file name corresponding to a start point and an end point of desired second continuous data, wherein said second continuous data is a subset of said first data to be recorded

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or already recorded in said recording medium by said recording means, wherein the input means allows input of a file name information signal designated by a user, and further allows input of a time code information signal; control means, for controlling said recording means so as to endlessly-record and overwrite a non-designated portion of said first data in said recording medium excluding said second continuous data, such that data is endlessly recorded in a region of said recording medium that avoids the region of said recording medium in which said second continuous data has been recorded; and reproducing means for reproducing and outputting said first data recorded in said recording medium.

Independent claim 16 recites a recording method for recording input first data in a recording medium capable of non linear access, including: endlessly-recording said first data in said recording medium and designating a file name corresponding to a start point and/or end point of desired second continuous data, wherein said second continuous data is a subset of said first data to be recorded or already recorded in said recording medium, and wherein said designating the file name allows input of a file name information signal designated by a user, and further allows input of a time code information signal; and endlessly-recording and overwriting a non-designated portion of said first data in said recording medium that excludes said designated second continuous data by recording said data in a region of said recording medium that does not include a recording region in which said second continuous data corresponding to said start point and/or end point out of said first data has been recorded.

Independent claim 23 recites a recording/reproducing method for recording input data in a recording medium capable of non linear access, and reproducing and outputting the recorded data, including the steps of: endlessly-recording input data in said recording medium, and designating a file name corresponding to a start point and/or end point of desired second continuous data, wherein said second continuous data is a subset of first data to be recorded or already recorded in said recording medium, and wherein said designating the file name allows input of a file name information signal designated by a user, and further allows input of a time code information signal; endlessly-recording and overwriting a non-designated portion of said first data in said recording medium by recording said data in a region of said recording medium that does not include a continuous second recording region of said recording medium in which second continuous data corresponding to said start point and/or end point out of said first data

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has been recorded; and reproducing and outputting said first data recorded in said recording medium.

As previously discussed, independent claims 1, 9, 16 and 23 have been amended. As amended, these claims further recite, in part, input means to designate a file name corresponding to a start point and an end point of a desired second continuous data set, wherein said second continuous data set is a subset of said first data set to be recorded in or already recorded in said recording medium by said recording means, wherein the input means allows input of a file name information signal designated by a user, and further allows input of a time code information signal, such as from a CPU. The amendments as discussed above are supported in the specification, for example, on page 8, lines 13-22.

In contrast to the claimed invention, Applicant believes that Gushima at least fails to disclose or suggest an input means that allows input of a file name information signal designated by a user, and further allows input of a time code information signal, such as from a CPU. The input in Gushima is solely directed to containing the coded data together with the block identification data. See, Gushima, column 31, lines 43-46. The block identification data consists of a position on the screen, an identification flag for identifying whether the pixel data is odd-numbered or even numbered, a frame number and the like of each block. See, Gushima, column 31, lines 17-21. The memory controller generates the block identification data. See, Gushima, column 31, lines 14-15. Accordingly, the input in Gushima is limited to the block identification data that is automatically generated by the memory controller.

As previously discussed, the input means of the claimed invention designates a file name by providing an input means for allowing a user to provide an input, thereby creating a file name information signal, in addition to allowing for the input of a time code information signal, such as from a CPU. Gushima fails to teach or suggest providing either input means for allowing a user to designate the file name information signal, and/or input means for allowing input of a time code information signal, such as from a CPU. Instead, Gushima provides for position information and numbering information as previously disclosed. Clearly, one skilled in the art would consider that user input means for designating a file name information signal and time code information signal are different from position and numbering information as disclosed by Gushima. Thus, Gushima is distinguishable from the claimed invention for at least these reasons.

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Further, the remaining cited references, alone or in any hypothetical combination, including with Gushima, cannot be relied on solely in support of the rejections. Moreover, why would one skilled in the art be motivated to modify Gushima in view of its deficiencies as discussed above. Therefore, Applicant believes that the cited art even if considerable is distinguishable from the claimed invention for at least these reasons.

Accordingly, Applicant respectfully requests that the obviousness rejection with respect to claims 1-32 be withdrawn.

For the foregoing reasons, Applicant respectfully submits that the present applicant is in condition for allowance and earnestly solicit reconsideration of the same.

Respectfully submitted,

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